IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24401 of 1998

Between:

Uppuluru Markandeyulu Son of Veeranna
Resident of Settipeta, Nidadavolu Mandal, West Godavari District.

..... PETITIONER

AND

1.. The Executive Engineer, Gas Turbo Power Station (Civil) (G.T.P.S.),

Kovvur.Kovvur.
2 .. The Special Grade Deputy Collector and Estate Officer, A.P.State

Electricity Board, Vidyuth Soudha,
Somajiguda, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Appropriate Order or Direction or a Writ particularly one in the nature of Writ of Mandamus declaring that the action of the land Ac.0.12 cents in R.S.No.263/2 of Nidadavolu village, belonging to the petitioner acquired by the respondents without initiation of proceedings of the Land Acquisition Act is arbitrary, illegal and unjust and directly infringing the Article 14, 16, 21, 31-A(i) and 300-A of the Constitution of India and pass

Counsel for the Petitioner: MRS.N.SARASWATHI

Counsel for the Respondent No.: (SC FOR A.P.S.E.B.)

The Court made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents in acquiring the land in R.S.No.263/2 in an extent of Ac.0.12 cents, Nidadavolu village, West Godavari district, belonging to the petitioner as illegal and arbitrary.

The petitioner claims to be owner of the subject property, having acquired the same through registered settlement deed dated
17-10-1970. It is alleged that in the year 1989, the respondents herein had occupied the same for establishment of Gas Turbo Power Station, without following due process of law. It is also stated that they made several requests followed by representation dated 6-5-1993 requesting the respondents to pay compensation, and as no action was taken nor compensation was paid, the petitioner states that he got issued a legal notice dated 17-7-1993, followed by another legal notice dated
8-12-1995. Thereupon, the respondents issued a reply notice dated
11-1-1996 to the effect that petitioner had consented for the acquisition of the subject land, and as such, he is eligible to compensation of an amount of Rs.4200/- only. Hence, the present writ petition.

The present writ petition was admitted by this Court on 1-9-1998 and till date no counter affidavit was filed in the matter. It is required to be placed on record that on 2-3-2005 the matter was adjourned at the request of the learned counsel for the respondent for filing counter affidavit, and thereafter, the matter was listed four times, i.e., on
9-3-2005, 23-3-2005, 30-3-2005 and 4-4-2005, but no counter has been filed even

till today.

Inasmuch as the respondent failed to file counter disputing the averments made in the writ affidavit, and having regard to the relief prayed by the petitioner in the writ petition, and in the absence of any counter filed by the respondents, this Court has no other option, except to treat the averments made by the petitioner in the writ affidavit to be true and correct, and dispose of the writ petition with the following directions:

The respondents shall examine the claim of the petitioner for grant of compensation, and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of copy of this order. It is made clear that in the event, the respondents come to a conclusion that the petitioner is not entitled to any compensation, they shall pass a speaking order, and communicate the same to the petitioner. No costs.

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N.V.RAMANA,J

06-04-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.. The Executive Engineer, Gas Turbo Power Station (Civil) (G.T.P.S.),

Kovvur.Kovvur.

2 .. The Special Grade Deputy Collector and Estate Officer, A.P.State

Electricity Board, Vidyuth Soudha,
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